

# EPA Region III

Office of Public Affairs

## EARLY BIRD HEADLINES

Wednesday, February 15, 2012

### \*\*\* MORNING HOT LIST \*\*\*

#### O'Malley grilled on green agenda

**BALTIMORE SUN** Gov. Martin O'Malley fielded skeptical questions from lawmakers about three of his top environmental initiatives Tuesday as he appealed to them to approve bills aimed at promoting offshore wind energy, limiting development and improving water and sewer systems. O'Malley, a Democrat, ran into some of the day's fiercest grilling at the Senate Finance Committee, where he took tough questions from senators about the cost, feasibility and employment potential of his wind energy bill. For the governor, it was a return trip to a committee that heard his testimony on a previous version of the bill last year — then decided to shelve it because of the same concerns. "This bill is the product of your work," O'Malley said, stressing that his staff has rewritten the legislation over the summer and fall to address those concerns. But many remained skeptical. Sen. E.J. Pipkin, an Eastern Shore Republican and longtime critic of the plan, pointed out that offshore wind has not taken root in other states. He also noted that federal incentives have been rolled back. He asked why O'Malley thinks he can succeed while efforts in other states have stalled.

#### Obama again proposes more focused mine cleanups

**CHARLESTON GAZETTE** CHARLESTON, W.Va. -- President Obama is, for the fourth time, asking Congress to stop diverting money intended for cleaning up abandoned coal mines to states that have already reclaimed all of their old mine sites. The Obama proposal is again included in the Interior Department's proposed budget for the federal Office of Surface Mining Reclamation and Enforcement. Under the proposal, OSM would save \$137 million in the 2013 financial year and about \$1.1 billion over the next decade, by not distributing federal Abandoned Mine Lands funds to states that have previously "certified" they cleaned up all coal sites that were abandoned prior to 1977. OSM's proposed legislation, sent to Congress along with the agency budget recommendation, would also create a new program "competitively allocate" future AML reclamation funding to states with the most need for it. But the OSM proposal hasn't drawn much support on Capitol Hill, and agency officials indicated on Tuesday they didn't really have any clear plans to try to promote the idea. "The administration makes its proposal to Congress," OSM Director Joe Pizarchik said in a conference call with industry, environmental groups and state regulatory officials. "It's ultimately Congress that passes the budget." The reforms for the AML program were part of an Obama administration budget and legislative package that slashed OSM's budget for regulatory matters by more than 6 percent, to \$140.7 million. Obama proposed to increase OSM's own funding for implementation of existing environmental standards by \$4.1 million, but would cut grants that support state regulatory agencies by nearly \$11 million.

#### Congressional negotiators reach tentative deal on payroll tax,

## **unemployment benefits**

**WASHINGTON POST** Congressional negotiators reached a tentative deal Tuesday to extend a payroll tax holiday, unemployment benefits and Medicare payment rates for doctors, while finding more than \$50 billion in cuts to reduce the effect on the federal deficit...On unemployment benefits, which will cost about \$30 billion, Democrats were forced into a choice to hit the federal workforce: either another pay freeze or a requirement that workers contribute more to their pension plans. Late Tuesday, a senior Democratic aide suggested that Democrats preferred the increased pension contributions, something Obama has supported. Republicans sought more than \$20 billion in savings on health-care programs, including a Medicare payment program to hospitals and a small fund for Obama's landmark health-care law, while Democrats refused any cuts that would reduce benefits for elderly patients in the health-care program.

## **Obama's budget a mixed bag for Chesapeake Bay**

**SALISBURY DAILY TIMES** WASHINGTON -- President Barack Obama's proposed fiscal 2013 budget would increase funding for Chesapeake Bay restoration but cut other funding considered important to the bay. Under the proposal released Monday, the Environmental Protection Agency would see a \$15 million increase in funding to help bay watershed states implement plans to reduce nutrients and sediment from farms, urban runoff and wastewater by 2025 as part of a "pollution diet." But the proposal would cut the EPA's Clean Water State Revolving Fund, which helps states and localities reduce pollution from runoff and sewage treatment plants. It also would cut the Department of Agriculture's Natural Resources Conservation Service, which helps farmers reduce agriculture pollution. Doug Siglin, the Chesapeake Bay Foundation's federal affairs director, welcomed the additional funding but expressed concern over cuts to "critical components" of state plans to achieve pollution limits. "We are halfway toward the goal of achieving the pollution limits necessary to restore the Chesapeake Bay by 2025," Siglin said. "Everyone will have to do more, and critical federal funding will be needed if we are going to be successful." Obama's budget would cut \$291 million nationally from the Clean Water State Revolving Fund and \$68 million nationally from the Drinking Water State Revolving Fund. The budget states the decreases are "in part because of the continuing constrained fiscal environment." Conservation programs are mandated by the farm bill, but Obama's proposal to cut the Natural Resources Conservation Service's operating budget by an estimated \$24 million would make it harder for USDA to manage and coordinate those programs, according to the Chesapeake Bay Foundation.

## **US EPA probing natgas operations in Pennsylvania**

**REUTERS NEWS SERVICE** WASHINGTON, Feb 14 (Reuters) - U.S. environmental regulators are investigating possible violations of federal pollution laws at natural gas operations in a Pennsylvania county that is in the midst of a shale gas drilling boom. The Environmental Protection Agency conducted inspections at well pads and compressor stations in Washington County, Pennsylvania, in late September and early October, agency spokeswoman Bonnie Smith said. The agency is now analyzing the results of those inspections and expects to wrap up its probe in a couple of months, Smith said. Investigations, such as the one being conducted in Washington County, are aimed at ensuring that companies are in compliance with various federal regulations for air, water and hazardous waste. "While natural gas operators employ various safeguards to minimize the risks inherent to the industry, legitimate concerns have emerged regarding potential environmental impacts," the EPA said. The EPA said it would not identify the names of the facilities that were inspected until the investigation is complete. EPA enforcement probes that cover multiple environmental laws can target a single facility, an entire company or be geographically based. Washington County, a hub of Marcellus shale drilling, was chosen for inspections because it is home to a significant amount of oil and gas production, the EPA said. The county is also being analyzed as part of a separate study being conducted by the EPA on the impact of hydraulic fracturing, or fracking, on drinking water. The initial results of that report, which was commissioned by Congress, are to be released later this year. Shale gas production has skyrocketed in recent years thanks to advances in fracking, which involves injecting a cocktail of water, sand and chemicals into the ground to extract fuel. The rapid expansion of shale gas development has also prompted complaints from green groups and some landowners that the drilling is harming the air and water.

## **With well impact fee, devil is in the details**

**SCRANTON TIMES-TRIBUNE** Northeast Pennsylvania's Marcellus Shale boom counties stand to raise millions of dollars this year through an impact fee on the deep gas wells. Other regional counties with a handful of wells may get little or nothing. Once Gov. Tom Corbett signs natural gas legislation that passed the House and Senate last week, counties will have 60 days to adopt an ordinance to levy the optional fee. Counties with active drilling that pass the ordinance will share with the state and their municipalities an estimated \$180.5 million this year on the 3,850 vertical and horizontal shale wells that were drilled through 2011, according to state estimates. But only horizontal or producing vertical gas wells can be levied the fee. Vertical exploratory wells that have never been hydraulically fractured and do not produce gas, like the two drilled in Lackawanna County and the eight drilled in Wayne County, will not be eligible for the fee. "Our concern was that truly exploratory wells do not pay the impact fee," said Drew Crompton, chief of staff for Senate President Pro Tempore Joseph Scarnati, a Jefferson County Republican. He added that the local impact of such wells is relatively minor and "quite frankly, we don't want to discourage exploratory wells." On the other hand, the bill presumes that horizontal wells are not exploratory, so even those not producing gas are eligible for the fee, he said. That means Luzerne County's two test wells, both of which are horizontal, will be subject to the \$50,000 per well fee if the county adopts it, despite the fact that both were plugged after they showed little prospect of producing economic amounts of gas

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## **PENNSYLVANIA**

### **PHILADELPHIA DAILY NEWS**

DN Editorial: No gas light on impact fee *What follows begins an occasional series of editorials that we will be excerpting or running in full from newspapers around the state. We're doing this to provide readers (and ourselves) a deeper perspective on state issues, and as a reminder that Philly is part of Pennsylvania, though we sometimes pretend it's not. The following is from Matthew Major, opinion editor of the Chambersburg Public Opinion:* THE Pennsylvania Senate voted last week to enable an optional fee to offset environmental and infrastructure damage caused by Marcellus Shale natural-gas drillers, sending the bill for a House vote that could place the bill on Gov. Tom Corbett's desk this week. After years of frenetic activity which has so far produced some 4,000 natural-gas wells in Pennsylvania, and just as many years of legislative inaction - this is all that Pennsylvania citizens are getting in terms of regulation and taxation of a highly destructive industrial endeavor. House Bill 1950 has many flaws, and it generally represents a shameful subversion of the interests of Pennsylvanians for the sake of the gas drillers who bankrolled much of Corbett's election campaign. But let's start with the secretive way legislative leaders reconciled the different versions that passed each chamber into the final version approved Tuesday by the Senate. According to PennFuture, a Pennsylvania environmental advocacy group, lawmakers negotiated and circulated a draft conference-committee report on HB 1950 before they formed the actual conference committee. (A conference committee is a group of House and Senate members who iron out the differences in similar legislation passed by each chamber into a final version that gets rubberstamped by each chamber once more before the governor signs it into law.) By negotiating a final version of the impact fee before forming the actual conference committee, lawmakers skirted an open-government law that would have subjected those negotiations to public review.

### **PITTSBURGH POST-GAZETTE**

Driller's manager charged in theft of up to \$5 million Sometime between 2005 and 2007, Larry D. Winckler, a fleet manager for the Indiana County-based Falcon Drilling, approached the company controller pleading for money, state police said. "One day [he] came to me. He was very upset. He stated he needed some money," Cheryl Brooks, who oversaw the company's accounting, told police. "He had tears in his eyes." Ms. Brooks complied when he asked her to write him a check from company accounts and he covered his tracks with fake invoices, a criminal complaint said. He came back for money again and again, until he was siphoning off about \$150,000 a month, the complaint said. In all, Ms. Brooks estimated he embezzled around \$5 million from the company, whose estimated annual sales total

\$15 million, according to business information company Dun & Bradstreet. Mr. Winckler, 51, a former drill operator who assisted with the Quecreek Mine Rescue, was arrested Monday and charged with 29 counts of theft by unlawful taking and receiving stolen property. He remained in the Indiana County Jail on Tuesday on \$1 million bail. Ms. Brooks had not been charged as of Tuesday. State police did not respond to several requests for comment. The company, a pioneer of Marcellus Shale drilling, employs about 170 people, according to Dun & Bradstreet. The company said the theft would not affect its operations.

### **PITTSBURGH TRIBUNE REVIEW**

Editorial: Maglev Kaput: Death of a boondoggle The meager assets of Maglev Inc. are scheduled to be sold at auction next month. And with it, yet another embarrassing chapter in American mass-transit boondoggles will be closed. The company that proposed building a \$5.3 billion high-speed magnetic-levitation train between Pittsburgh International Airport and Greensburg filed for Chapter 11 bankruptcy reorganization last summer. Suddenly, on Monday, word came from an industrial auctioneer that Maglev Inc. was Maglev Kaput. And with it, millions of dollars in public subsidies are confirmed to have been flushed down a rathole. All due derision goes to the same crowd that usually scurries like rats when such predictable failures go belly up. Think of Congressmen Tim Murphy, Jason Altmire and Mike Doyle. Think of former U.S. Sens. Rick Santorum and Arlen Specter and Sen. Bobby Casey. And who can forget one of the ringleaders of this rat pack, former Gov. Ed Rendell.

### **KDKA TV PITTSBURGH**

KDKA's Andy Sheehan Gets Inside Look At Fracking Process PITTSBURGH (KDKA) – It's a word few of us knew about three years ago, but one that now provokes raw emotion. Fracking is the use of water and chemicals to extract natural gas from shale formations under the ground. To environmentalists, it's a poisonous threat to our water supply. To the shale gas industry, it's ground-breaking technology and the key to America's energy future. It's a process embroiled in controversy, the gas exploration company Range Resources is confident it can be done in a safe and controlled manner. "It's a closed loop, very high-tech operation we have," Matt Pitzarella with Range Resources said. Range agreed to give KDKA Investigator Andy Sheehan a first-hand view starting with the frack fluid itself, which is comprised of water, chemicals and sand. Together with the water and chemicals, it's blended and pumped through a network of pipes leading to the wellhead. The pipes pump 300,000 gallons of the frack fluid at 6,500 pounds per square inch, fracturing the shale a mile and half below the surface. The frack fluid rushes through the already prepared well bore all the way down and into the shale, where it shoots through perforated pipe, freeing the natural gas, which then flows back up the well bore to the surface. "We monitor all the technical variables that are going on in this operation," Dennis Lee Decker with Range Resources said. Engineers in an on-site computer lab called a "frack van" measure the pressure and chemical mixes for the best productivity and to ensure against accidents. But is the system safe?

### **ALLENTOWN MORNING CALL**

Natural gas drilling debate returns to Bucks County The divisive debate over natural gas drilling — limited mostly to the Marcellus Shale region in Pennsylvania's northern tier — is moving closer to home. A Butler County gas and oil exploration company has applied to state regulators for a permit to drill for natural gas in Nockamixon Township, just south of the Lehigh Valley, reigniting a controversy that divided neighbor against neighbor there just a few years ago.

### **HARRISBURGH PATRIOT NEWS**

Commentary: Anti-coal agenda is detrimental to Pennsylvania In 2010, Pennsylvania's Department of Environmental Protection reported that "Pennsylvania has the nation's largest abandoned mine problem, with approximately 180,000 acres of cliffs, coal refuse piles and other dangerous health features encompassing abandoned mine lands. More than two billion tons of coal refuse sits in piles across the state resulting in acid mine drainage, which is the largest source of water pollution in the state, degrading 5,500 miles of rivers and streams." Such hazards endanger the public, limit economic development and reduce recreational opportunities. Pennsylvania's Bureau of Abandoned Mine Reclamation estimates the cost and time to eliminate these problems and complete the

cleanup of AML-AMD sites to be \$14.6 billion of taxpayer funds and take nearly 500 years. In the late 1970s, our country's energy needs were addressed by elected officials in a manner that encouraged the advancement of various forms of independent alternative energy that improved the environment and created good-paying jobs without taxpayer subsidies.

No thanks, Grover: Officials are wrong to take no-tax pledge The only pledges that state lawmakers should make are the Pledge of Allegiance and the oath to uphold the state constitution. Yet Gov. Tom Corbett, 30 state House members and four state senators decided to take another one — the taxpayer protection pledge — and today we can see that strict no-tax promise has backfired on Pennsylvania. There is no better evidence of that than the recent debate on a Marcellus Shale tax or impact fee. Lawmakers spent months trying to devise a scheme to raise money from drillers — something more than two-thirds of Pennsylvanians consistently support — but not have it be deemed a tax. They concocted a head-scratching plan where each county would decide whether to levy the fee. The monies collected will go to the Public Utility Commission to avoid going into the General Fund. It makes no sense. Pennsylvania now has a piecemeal system for something that should have been straightforward. In the end, Grover Norquist, president of Americans for Tax Reform, author of the no-tax pledge, and the man these lawmakers were so keen to please, declared it a tax anyway. Fortunately, the shale bill passed despite the pledge.

Commentary: Governor Corbett's budget is a welcome change from the usual in state government Since the time when men first walked on the moon, Pennsylvania has spent more money in every budget than the one before. In good economic times and bad, under Democratic and Republican control, the commonwealth has always spent more of its citizens' money than the year before. When revenue (money straight from taxpayers) wasn't sufficient to pay for all the spending, the state simply borrowed the money. The commonwealth's total debt nearly doubled in the last decade alone. But last year, Gov. Tom Corbett changed that. For the first time in memory, the commonwealth spent less than it did the year before. This fulfilled a promise Gov. Corbett made along the campaign trail. There's a novel concept: a politician keeping his promises. Gov. Corbett kept another promise: He didn't raise taxes.

### **CANON-McMILLAN PATCH**

Why I Voted NO on the Marcellus Shale Bill State Rep. Jesse White calls House Bill 1950 'a terrible law.' Last week, the state House and Senate passed House Bill 1950, the long-awaited law designed to deal with Marcellus Shale natural gas drilling in Pennsylvania. It has also been signed into law by Gov. Tom Corbett. I voted "NO" on this legislation and strongly argued against its passage during floor debate in the House of Representatives. To put it bluntly, House Bill 1950 is a terrible law for the people of Pennsylvania. Here are just a few of the reasons why:

### **PETERS PATCH**

Peters Township Council Plans to Take Action on Marcellus Shale Bill At the regular Peters Township Council meeting Monday night, there was much talk about the recent passing of the Marcellus Shale Bill (House Bill 1950) and its potential effects on the community. Peters Township previously adopted a zoning ordinance requiring sites to operate within a 40-acre area in residential zoning districts and meet required setback distances from structures. Under the new law, signed by Gov. Tom Corbett, gas drilling operations will be regulated by a permitted use ordinance, suggesting that council has no power to establish drilling site parameters and current ordinances may not be enforceable. The previously required 40 acres has now been reduced to only 4 acres and the setback is only 500 feet from structures. The bill could also prevent lease holders from terminating their leases signed under old parameters. Members of the Peters Township Marcellus Shale Awareness group voiced their concerns about House Bill 1950 and asked council for help in finding legal recourse to protect Peters Township residents. Councilman David Ball went to Harrisburg and met with the state lieutenant governor, senators and legislators, and is working with other communities to see what can be done. "We're not giving up," he said. "It's unconscionable that they should preempt our zoning laws. We do have to have zoning authority and we're going to work on trying to get it back."

### **DORMONT-BROOKLINE PATCH**

Marcellus Shale Legislation Inadequate, State Sen. Fontana Says State Sen. Wayne Fontana discusses the legislation

passed, as well as his vote against the legislation. Last week was a busy week for the Legislature. After years of debating, the General Assembly passed Marcellus Shale legislation, which was sent to the Governor and signed into law on Feb. 13. House Bill 1950 (HB 1950) is a complex bill that covers many aspects of the industry. Marcellus Shale is a deep geologic formation that underlies 54 of Pennsylvania's 67 counties. Pennsylvania ranks No. 15 among the states in natural gas production; however, it is the only major state with fossil fuel deposits that did not have a severance tax or impact fee. In fact, all 14 states with a greater natural gas production than Pennsylvania have levied a severance tax or a conservation fee, all with a higher tax than what has been proposed for our state. Officials expect the Marcellus Shale drilling to eventually vault Pennsylvania to a place among the top five gas producing states. Over the years, proponents of the fee say drilling throughout Pennsylvania will create revenue and compensate our citizens for the removal of this resource by creating jobs. In addition, the fee will help offset the costs of new roads and bridges, building, and emergency response needs that accompany growth of the natural gas industry. Opponents of this fee argue that Pennsylvania is in tough competition against other states for the industry's investment, and putting an impact fee on this energy resource will have a considerable negative impact on Pennsylvania's ability to compete with other states. Under HB 1950, an impact fee will be enacted which will fluctuate depending on the price of natural gas and inflation. The fee will yield between \$190,000 and \$355,000 per well in the first 15 years. The Pennsylvania Public Utilities Commission will administer the collection of the fee and portions of the funding will be split between local municipalities and statewide impact-related programs.

### ***POCONO RECORD***

With well impact fee, devil is in the details Northeast Pennsylvania's Marcellus Shale boom counties stand to raise millions of dollars this year through an impact fee on the deep gas wells. Other regional counties with a handful of wells may get little or nothing. Once Gov. Tom Corbett signs natural gas legislation that passed the House and Senate last week, counties will have 60 days to adopt an ordinance to levy the optional fee. Counties with active drilling that pass the ordinance will share with the state and their municipalities an estimated \$180.5 million this year on the 3,850 vertical and horizontal shale wells that were drilled through 2011, according to state estimates. But only horizontal or producing vertical gas wells can be levied the fee. Vertical exploratory wells that have never been hydraulically fractured and do not produce gas, like the two drilled in Lackawanna County and the eight drilled in Wayne County, will not be eligible for the fee. "Our concern was that truly exploratory wells do not pay the impact fee," said Drew Crompton, chief of staff for Senate President Pro Tempore Joseph Scarnati, a Jefferson County Republican. He added that the local impact of such wells is relatively minor and "quite frankly, we don't want to discourage exploratory wells." On the other hand, the bill presumes that horizontal wells are not exploratory, so even those not producing gas are eligible for the fee, he said. That means Luzerne County's two test wells, both of which are horizontal, will be subject to the \$50,000 per well fee if the county adopts it, despite the fact that both were plugged after they showed little prospect of producing economic amounts of gas

### ***SCRANTON TIMES-TRIBUNE***

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PUC eyes private firm for impact fee collection HARRISBURG - The state Public Utility Commission is assuming new regulatory duties under the Marcellus Shale drilling impact fee law and one of its early moves will be hiring a private firm to handle the collection and distribution of potentially millions of dollars. PUC Chairman Robert Powelson said Tuesday the agency will seek formal bids from accounting or consulting companies to handle the administrative fee duties given it under the impact fee law signed Monday by Gov. Tom Corbett. The agency has a similar outsourcing arrangement for fees going to a telephone service fund that it oversees, added Mr. Powelson. At a budget hearing before the Senate Appropriations Committee, Sen. John Yudichak, D-14, Nanticoke, questioned how the PUC planned to handle the impact fee collections since it's not seeking money to cover in-house hires in this area. Later, Mr. Yudichak said he wants to see more details such as whether a Pennsylvania or out-of-state firm is being considered. He noted a retroactive driller impact fee for 2011 production is due in a relatively short period on Sept. 1.

### ***YORK DISPATCH***

EDITORIAL: Passing the bill to locals Gov. Tom Corbett's 2012-13 budget is a lean plan he said reflects the economic reality we find ourselves in -- "tough." While holding the line on spending, the budget doesn't raise taxes -- a feat the governor likes to highlight. "State government has less revenue because our citizens have less for themselves," Corbett said in unveiling the plan last week. "We can't ask people to travel the road to recovery and then turn around and add to the burden they must carry along the way." Unfortunately, that's just what the Republican governor is doing, whether he wants to acknowledge it or not. The budget keeps funding level for our struggling school districts, which will have to raise taxes or gut programs to deal with rising costs. It cuts millions from higher education, forcing families to pay higher tuition. It cuts millions more from social welfare programs, which inevitably will be made up at the county level. Corbett said property tax reform will prevent cost reductions at the state level from resulting in new taxes at the local level. Really? Property tax reform? We must have missed that. If it did slip by us ... well, it's doing a bang-up job. Even members of Corbett's own party aren't buying his argument. "You can't just keep giving it back to us and saying, 'I'm the governor and I promised not to raise taxes,' putting (the onus) back on every other elected official and taking it away from you," said York County Commissioner Steve Chronister. "I don't understand what this guy is doing," he added. "If he thinks this goes down well with his Republican county commissioner ... well, it's not going down well with this one." The governor's austerity measures might sit a little better with Chronister and the rest of us if Corbett weren't at the same time so generous toward businesses. While regular working folks are expected to do more with less, Corbett wants to lessen the tax burden on the "job creators."

### ***WBNG-TV BINGHAMTON, NY***

Council, Public Clash On New Rules Montrose Borough, PA (WBNG Binghamton) Longtime council members in Montrose Borough declined to comment on a decision Tuesday to better control public meetings, making a quick decision, and then leaving just as fast as they arrived. At issue was whether the council, facing a rapidly growing interest in their decisions, should adopt new rules for the use of video and audio recording equipment. Despite several objections about the new rules from the audience, which included borough residents and others in neighboring townships, the measure was approved 6-1. Tuesday's agenda was a reaction to a meeting last week, when members of the council, led by President Tom Lamont, walked out in protest to someone using a video camera to record the proceedings. Tuesday night, council members left the meeting quickly, pushing past reporters; in at least one instance, physically. Julianne Skinner, who cast Tuesday's lone dissenting vote, said she was disappointed with her fellow council members' behavior toward the public. "The way this was put together, it seems to me, is an intent to contravene the ability of the public to be informed," Skinner said. "I feel that it was ramrodded through. There wasn't enough time for discussion. More points should have been discussed." The borough's next public meeting is set for Monday, when the council is expected to consider an issue that many have said has divided the small Pennsylvania town: The use of a privately-owned water spigot in the borough that's being used to supply water to residents along Dimock Township's Carter Road.

## **ASSOCIATED PRESS (Pa.)**

Corbett signs 3 key energy-sector bills HARRISBURG, Pa. - Gov. Tom Corbett on Monday signed three key bills for Pennsylvania's energy sector, including a wide-ranging bill that updates regulations surrounding the state's booming natural gas industry and removes Pennsylvania's distinction as the nation's largest gas-producing state that does not impose a levy on the activity. No public event was held for the signings, which the governor's office announced Monday evening. Among the other bills that Corbett signed privately was one that would allow public utilities to charge ratepayers up front for improvements to power lines and water, sewer and natural gas pipelines, and another that could deliver long-term tax breaks to a buyer of three Philadelphia-area oil refineries that are shutting down and a massive petrochemical refinery that may be built in southwestern Pennsylvania. The latter bill is a centerpiece of Pennsylvania's competitive pitch in a race against Ohio and West Virginia to persuade a subsidiary of Netherlands-based oil and gas giant Royal Dutch Shell PLC to build a petrochemical refinery in the Pittsburgh area, potentially meaning thousands of new jobs and millions of tax dollars for the state. Under the natural-gas drilling bill passed last week by the state Legislature, Marcellus Shale exploration companies will be required to pay an "impact fee" to help fund various state and local government programs, although the comparable tax rate they would pay would be well below what many other major natural-gas producing states require. The decision of whether to impose the fee will be left up to local governments. County commissioners or county council members in about 35 counties now have 60 days to decide whether to impose the 15-year impact fee on their local Marcellus Shale wells. If a county board votes against imposing the fee, a critical mass of its municipalities would have another 60 days to impose it countywide.

Pa. town may challenge new Marcellus Shale law HARRISBURG, Pa.—The solicitor for a town in heavily drilled southwestern Pennsylvania will explore a lawsuit over the state's newly signed Marcellus Shale law because of provisions that limit local officials' authority to regulate drilling activity. Robinson Township in Washington County on Monday night gave solicitor John Smith the authority to challenge the law, which Gov. Tom Corbett signed earlier in the evening. Township supervisor Brian Coppola says the loophole-riddled bill effectively strips away every Pennsylvanians' personal property rights, particularly in suburban and urban areas. He says it also will scare off developers over worries that a drilling rig, waste impoundment or compressor station could be set up nearby. Corbett says the law increases the uniformity and fairness of local regulations while preserving the traditional zoning authority of local government.

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## **WASHINGTON, D.C.**

### **WASHINGTON POST**

Congressional negotiators reach tentative deal on payroll tax, unemployment benefits Congressional negotiators reached a tentative deal Tuesday to extend a payroll tax holiday, unemployment benefits and Medicare payment rates for doctors, while finding more than \$50 billion in cuts to reduce the effect on the federal deficit...On unemployment benefits, which will cost about \$30 billion, Democrats were forced into a choice to hit the federal workforce: either another pay freeze or a requirement that workers contribute more to their pension plans. Late Tuesday, a senior Democratic aide suggested that Democrats preferred the increased pension contributions, something Obama has supported. Republicans sought more than \$20 billion in savings on health-care programs, including a Medicare payment program to hospitals and a small fund for Obama's landmark health-care law, while Democrats refused any cuts that would reduce benefits for elderly patients in the health-care program.

Alexandria power plant fined again Alexandria's coal-burning power plant, scheduled to shut down Oct. 1 after years of local opposition, must pay a \$280,704 fine for violating air-quality laws, the largest such fine ever imposed against the plant. The GenOn Potomac River power plant, whose five stubby smokestacks loom over the north end of Old Town Alexandria, exceeded its nitrogen oxides limit six times between June 28 and July 18, 2011, according to a consent decree issued by the Virginia Air Pollution Control Board last week and agreed to by GenOn. Asked why the penalty was so high, Sarah Baker, regional enforcement manager for the Virginia Department of Environmental Quality, said "Compliance history is taken into account when we're assessing fines." The company



has been fined before, and the most recent penalty was \$5,000 more than the largest previous fine, assessed in May. The 482-megawatt plant has been operating intermittently this winter, due to low natural gas prices and the mild weather, said GenOn spokeswoman Misty Allen. In the past week, however, several of the plant's units were fired up after PJM Interconnection, a regional transmission organization that coordinates the movement of electricity in the Mid-Atlantic region, said additional electricity was needed. The most recent fine comes after the plant, which was operated until December 2010 by Mirant Energy, was found to have no water-fogging system in place to control its bottom fly ash, which contributes to the formation of ozone, said William Skraback, Alexandria's deputy director of transportation and environmental services. The Washington region has exceeded the federal air-quality compliance standard for ozone in the past several years.

Blog: O'Malley's bay cleanup proposals could hurt small businesses, analysis claims Fiscal reports released Monday conclude two proposals at the core of Maryland Gov. Martin O'Malley's (D) environmental agenda could hurt small businesses, despite previous claims to the contrary by the O'Malley administration. Restricting large housing developments built with septic systems, which O'Malley said would safeguard farmland and protect the Chesapeake Bay, "may have a meaningful adverse impact on many small business residential developers, homebuilders, and associated contractors," according to a nonpartisan analysis by the state's Department of Legislative Services. A separate analysis concluded a proposed increase in the "flush tax" on water usage for Chesapeake Bay restoration could also have a negative effect on business. The analysis found that "many small businesses will pay an increase of more than 250% in bay restoration fees, which may represent a meaningful adverse impact on at least some small businesses, particularly those engaged in operations that require significant water usage." O'Malley is scheduled to testify before lawmakers on Tuesday to push for a trio of environmental proposals — restricting new septic systems, increasing the flush tax on water use and jump-starting an offshore wind-power industry. The O'Malley administration has acknowledged the plan to incentivize offshore wind energy would have an impact on small businesses due to projected increases in electricity costs. But it had maintained the other two bills would have "minimal or no impact" on small business. Monday night, several lawmakers on the Senate environment committee expressed skepticism about the governor's proposals in advance of his testimony Tuesday. "I think the administration doesn't even really know what small business is," said Sen. Roy P. Dyson, a Democrat who represents Calvert, Charles and St. Mary's counties in southern Maryland.

Blog: The Checkup : Air pollution linked to cognitive impairment So maybe you don't care much about air pollution's effects on wildlife and such. But would you be more interested if you knew it might be tied to humans' cognitive decline? Research published Monday afternoon in the Archives of Internal Medicine suggests that chronic exposure to airborne particulate matter — small solid particles suspended in air — is associated with increased risk of cognitive impairment. The greater the exposure (in this study, over a four-year period), the study finds, the faster the cognitive decline. That cognitive impairment can be a stepping stone toward dementia and to Alzheimer's disease, which currently affects an estimated 5.1 million people in the United States. The study paired data from the Nurses' Health Study Cognitive Cohort (which features 14 years worth of data for more than 19,000 U.S. women ages 70 to 81, starting in 1988) with geographical information about pollution levels in participants' locales. They found that exposure to both small and large particulates was associated with sizable cognitive losses. The authors say theirs is the first study to look at the effects of small as well as large particles in the ambient air.

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## WEST VIRGINIA

### **CHARLESTON GAZETTE**

Obama again proposes more focused mine cleanups CHARLESTON, W.Va. -- President Obama is, for the fourth time, asking Congress to stop diverting money intended for cleaning up abandoned coal mines to states that have already reclaimed all of their old mine sites. The Obama proposal is again included in the Interior Department's proposed budget for the federal Office of Surface Mining Reclamation and Enforcement. Under the proposal, OSM would save \$137 million in the 2013 financial year and about \$1.1 billion over the next decade, by not distributing

federal Abandoned Mine Lands funds to states that have previously "certified" they cleaned up all coal sites that were abandoned prior to 1977. OSM's proposed legislation, sent to Congress along with the agency budget recommendation, would also create a new program "competitively allocate" future AML reclamation funding to states with the most need for it. But the OSM proposal hasn't drawn much support on Capitol Hill, and agency officials indicated on Tuesday they didn't really have any clear plans to try to promote the idea. "The administration makes its proposal to Congress," OSM Director Joe Pizarchik said in a conference call with industry, environmental groups and state regulatory officials. "It's ultimately Congress that passes the budget." The reforms for the AML program were part of an Obama administration budget and legislative package that slashed OSM's budget for regulatory matters by more than 6 percent, to \$140.7 million. Obama proposed to increase OSM's own funding for implementation of existing environmental standards by \$4.1 million, but would cut grants that support state regulatory agencies by nearly \$11 million.

DNR moves District 3 enforcement section FRENCH CREEK, W.Va. -- The West Virginia Division of Natural Resources is making its law enforcement services in District 3 more accessible to the public. Last week, the DNR moved the district's law enforcement section from Elkins to offices at the West Virginia Wildlife Center in French Creek. DNR Director Frank Jezioro says French Creek is a more central location in the district. District 3 covers Clay, Braxton, Nicholas, Pocahontas, Webster, Lewis, Randolph and Upshur counties. Jezioro said in a news release that the change also will improve coordination between the district's law enforcement section and the wildlife section, which is in adjacent offices.

Two mussel species found in state are endangered, feds say CHARLESTON, W.Va. -- Two freshwater mussel species found in West Virginia waters have been listed as endangered under the federal Endangered Species Act, the U.S. Fish and Wildlife Service announced Monday. The Elk River is one of only 31 streams in seven states known to host populations of the rayed bean mussel, which has disappeared from 73 percent of its historic range. The rayed bean seldom grows to more than 1.5 inches in length, and has a smooth shell that is marked with numerous dark-green wavy lines, or rays. Once native to a number of West Virginia streams, the rayed bean mussel was determined to have been extirpated from the state in the 1990s, after repeated stream surveys turned up no samples of the species in its historic range. In 2006, 2007 and 2010, a total of about 800 of the rare mussels were reintroduced in the lower Elk. Populations of the rayed bean mussel also exist in Ohio, Pennsylvania, Tennessee, New York, Michigan, and the Canadian province of Ontario. The snuffbox mussel has a yellow, green or brown shell interrupted with green rays, blotches or chevron-shaped stripes. Snuffbox mussels were once found in 210 streams in 18 states, but can now be found in 79 streams in 14 states -- a range decline of 62 percent. In West Virginia, populations of snuffbox mussels can be found in the Elk, Ohio, Little Kanawha, and Hughes rivers, and Middle Island and McElroy creeks. Sedimentation, pollution, dam building and invasive species, such as zebra mussels, are among the top threats for each of the endangered mussel species, according to the Fish and Wildlife Service. In comments submitted by state agencies supporting the endangered species listings, the Pennsylvania Fish and Boat Commission provided data on potential threats to both species from Marcellus Shale natural gas extraction. Removal of large volumes of surface and groundwater for hydraulic fracturing and spills of untreated fracking flow-back water were listed among the potential threats.

Elk roaming Northern Panhandle is captured CHARLESTON, W.Va. -- Wildlife biologists have captured the elk that had been wandering the hills of West Virginia's Northern Panhandle. The elk, a mature bull that escaped last year from a Pennsylvania captive deer facility, was tranquilized in rural Marshall County Feb. 9 and transported to the West Virginia Wildlife Center at French Creek. "The elk is being well cared for," said Paul Johansen, the agency's assistant wildlife chief. "We're not sure when or if it will be introduced into the large enclosure where the other elk are kept, though." Division of Natural Resources officials had worried that the elk might have spread bovine tuberculosis, brucellosis or chronic wasting disease to domestic livestock or wild deer in the area where it had been roaming. Those fears were at least partly allayed after a blood test proved the animal wasn't carrying tuberculosis or brucellosis.

Blog: Telling the truth about W.Va. mineral taxation The good folks over at the West Virginia Center on Budget and

Policy just posted a fascinating new item on their blog. It's headlined, "[Getting the Story Right: Mineral Taxation in Wyoming and West Virginia](#)" and it concludes:

### **WHEELING INTELLIGENCER**

[Bayer Lease To Fetch \\$30 Million](#) NEW MARTINSVILLE - With Bayer Corp. officials still waiting to see if they can bring an ethane cracker to West Virginia, they signed a deal to collect \$30 million for gas drilling at the New Martinsville plant site. Gastar Exploration - a Houston, Texas-based company that plans to spend about \$200 million in the Mountain State's Marcellus Shale field this year - leased Bayer's 1,400-acre plot at the border of Marshall and Wetzel counties. "We want to be part of this community, and we are here to stay," said Gastar Vice President-Northeast Michael McCown. "We are fortunate to have a good relationship with Bayer. Certainly within the next year, we should be operating on the Bayer property." Gastar is already drilling on 3,300 acres owned by PPG Industries, whose plant lies north of the Bayer plant between the Ohio River and W.Va. 2 in Marshall County. PPG expects to collect the \$50 million from the drilling deal over the project's lifetime, which officials believe will last about 30 years. "We are working on that PPG property right now, and we will methodically move southward to get to the Bayer property," McCown said. "This deal with Bayer gives us a large block of acreage to work with in the years to come." McCown mentioned that the Bayer acreage is of the "wet" variety, meaning the gas stream will contain ethane, propane, butane and pentane, in addition to the methane. With Caiman Energy, MarkWest Liberty and Dominion Transmission already processing - or planning to process - at facilities in Marshall and Wetzel counties, the infrastructure is in place to extract the natural gas liquids from the methane.

### **PARKERSBURG NEWS AND SENTINEL**

[Infrastructure major focus of city budget](#) PARKERSBURG - The city's proposed \$25.4 million budget puts an emphasis on the city's infrastructure. In his budget address to Parkersburg City Council Tuesday, Mayor Bob Newell highlighted a number of points in the proposed 2012-2013 budget, many of which were related to infrastructure. Newell touched on stormwater management, street improvements, bridge repair and the demolition of about 30 slum and blighted structures. Newell is proposing pouring \$1 million into streets, \$835,000 into bridge repairs and \$250,000 for demolition of rundown and blighted structures. "... We have never been able to properly fund a serious demolition contract before," he said. "Sixty thousand a year does not accomplish what we need to do and using CDBG funds slows the process to a crawl because of all the strings attached to the federal funding."

### **POCONO NEWS**

[Governor signs Marcellus Shale Law](#) HARRISBURG - Governor Tom Corbett signed the Marcellus Shale bill, into law. The bill enhances protection of our natural resources through stronger environmental standards, authorizes counties to adopt an impact fee, and builds upon efforts to help move Pennsylvania toward energy independence. The historic measure is the first comprehensive re-write of the state's Oil and Gas Act since 1984. It contains much of what Corbett outlined in his Marcellus Shale proposal last October. His plan followed the work of the Governor's Marcellus Shale Advisory Commission. House Bill 1950 contains 24 of the legislative recommendations offered by the advisory commission. "This growing industry will provide new career opportunities that will give our children a reason to stay here in Pennsylvania," Corbett said. "Thanks to this legislation, this natural resource will safely and fairly fuel our generating plants and heat our homes while creating jobs and powering our state's economic engine for generations to come."

### **ASSOCIATED PRESS (W. Va.)**

[Gastar leases Bayer property in W.Va. for drilling](#) NEW MARTINSVILLE, W.Va. -- Gastar Exploration plans to drill for natural gas on 1,400 acres at Bayer Corp.'s plant site in West Virginia's Northern Panhandle. Houston-based Gastar is leasing the property near New Martinsville from Bayer. Bayer expects to earn \$30 million from the deal over the next 30 years. Gastar vice president Michael McCown tells The Intelligencer and Wheeling News-Register that the lease will give the company a large block of acreage to develop in the Marcellus shale field. Gastar signed a drilling contract with PPG Industries last year to drill on about 3,300 acres north of Bayer's plant.

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# MARYLAND

## ***BALTIMORE SUN***

O'Malley grilled on green agenda Gov. Martin O'Malley fielded skeptical questions from lawmakers about three of his top environmental initiatives Tuesday as he appealed to them to approve bills aimed at promoting offshore wind energy, limiting development and improving water and sewer systems. O'Malley, a Democrat, ran into some of the day's fiercest grilling at the Senate Finance Committee, where he took tough questions from senators about the cost, feasibility and employment potential of his wind energy bill. For the governor, it was a return trip to a committee that heard his testimony on a previous version of the bill last year — then decided to shelve it because of the same concerns. "This bill is the product of your work," O'Malley said, stressing that his staff has rewritten the legislation over the summer and fall to address those concerns. But many remained skeptical. Sen. E.J. Pipkin, an Eastern Shore Republican and longtime critic of the plan, pointed out that offshore wind has not taken root in other states. He also noted that federal incentives have been rolled back. He asked why O'Malley thinks he can succeed while efforts in other states have stalled.

Blog: Fears for "tiers:" O'Malley septic bill worries greens Gov. Martin O'Malley appealed to lawmakers Tuesday to adopt his "moderate" and "reasonable" proposal to curb development on septic systems, warning that unless sprawl is reined in the state's "Christmas future" would include loss of farmland and forests and a lifeless Chesapeake Bay. As expected, his bill, SB236, has drawn flak from developers and some rural politicians who charge it would stifle growth and cripple local economies. But it also ran into some criticism Tuesday before the Senate Education Health and Environmental Affairs Committee in Annapolis, where environmental activists and smart-growth supporters said the governor's legislation contains a major loophole that would allow continued growth on septic systems. Sen. Ronald N. Young, a Democrat representing Frederick County who had been deputy state planning secretary when Smart Growth was first passed in the late 1990s, contended O'Malley's bill represents a step backward from the bill the governor failed to get passed last year. That measure would have banned any new major housing projects on septic systems, but it died in committee. So O'Malley appointed a broad-based task force to wrestle with the issue, and it recommended a more flexible approach, with septic-based development essentially barred in remote farming areas or "tiers" but still permitted in or near municipalities and other designated growth areas. Young said it appeared the governor's bill, instead of curtailing housing projects relying on septic, would instead allow dozens of new subdivisions with up to 10,000 homes on septic around Frederick city.

O'Malley flush fee hike gets pushback Gov. Martin O'Malley's bid to hike the "flush fee" to help clean up the Chesapeake Bay got some pushback in Annapolis Tuesday when lawmakers expressed concern about big jumps in what businesses would have to pay under the administration's plan. O'Malley has proposed doubling the revenues raised for the Bay Restoration Fund by the fee, which is paid by every household and business in the state. The funds are needed to finish upgrading the state's 67 largest sewage plants so they'll take out more of the nitrogen and phosphorus fouling the bay's waters. No one questioned that, But the pushback comes because O'Malley's seeking to change the fee from a flat \$2.50 monthly charge to one based on water consumption. Households and businesses using relatively less water will see smaller increases, while big users could see their fee more than double. Homeowners on wells and septic systems would see their fees simply double. Lawmakers questioned the new fee formula in SB240, pointing to a fiscal note by legislative analysts that said many small businesses can expect to see their fees go up by 250 percent or more. The analysts said that would have a "meaningful adverse impact" on enterprises that use a lot of water, including apartment complexes, restaurants, grocery stores and hospitals. The big jump would occur because the governor's bill would eliminate the sliding fee schedule the state now uses, charging large commercial and industrial water users less per gallon than an individual household pays. Without the sliding scale, businesses would be assessed the same consumption-based rate as households, so th. A restaurant that uses 42,500 gallons of water monthly, for instance, could see its fee jump from \$168 a month to \$630 - a

quadrupling. A hospital using 2 million gallons of water monthly would see its fee jump from \$8,000 to \$31,000 a month. Some members of the Senate Education, Health and Environmental Affairs Committee balked at the governor's bill, pointing to the legislative analysts' predictions that the increase would more than double revenues and hit many businesses hard.

### **ANNAPOLIS CAPITAL**

Survey: Oyster survival high, reproduction low The Chesapeake Bay's oysters had a record survival rate last year, according to a new survey. A fall survey found that 92 percent of oysters dredged up from the bottom by state biologists were alive. That's the best survival rate since 1985. The rate is high in spite of a significant die-off of oysters north of the Bay Bridge due to a massive influx of freshwater from last year's heavy rains. Some oyster bars lost every one of their oysters last year, and the situation was so dire that the last skipjack captain on the Western Shore gave up and sold his boat. While the freshwater was deadly to northern bay oysters, it proved beneficial to oysters further south in the bay. Oyster-killing diseases thrive in salty water, so the freshwater kept disease levels low in 2011. Now the bad news. Oyster reproduction was below normal overall and almost nonexistent north of the Bay Bridge, said Mike Naylor, who runs the shellfish program for the Maryland Department of Natural Resources. The culprit for low reproduction was the same as the cause of low disease and high survival: wet weather and fresh water. Oysters need salty water to produce babies. But all is not lost - 2010 was a banner year for oyster reproduction, and those baby oysters have grown and aren't dying due to disease, Naylor said. Gov. Martin O'Malley highlighted the survival rate in a press release, saying "our continued commitment to renewing this iconic species has begun to pay off." Naylor, however, urged caution. Some of the good news was due to Mother Nature dumping a lot of rain over the Chesapeake Bay region. And the oyster population remains just a tiny fraction of its historic levels. "The fact of the matter is we have an extremely long way to go before we have anything that even remotely resembles success," Naylor said.

### **SALISBURY DAILY TIMES**

Obama's budget a mixed bag for Chesapeake Bay WASHINGTON -- President Barack Obama's proposed fiscal 2013 budget would increase funding for Chesapeake Bay restoration but cut other funding considered important to the bay. Under the proposal released Monday, the Environmental Protection Agency would see a \$15 million increase in funding to help bay watershed states implement plans to reduce nutrients and sediment from farms, urban runoff and wastewater by 2025 as part of a "pollution diet." But the proposal would cut the EPA's Clean Water State Revolving Fund, which helps states and localities reduce pollution from runoff and sewage treatment plants. It also would cut the Department of Agriculture's Natural Resources Conservation Service, which helps farmers reduce agriculture pollution. Doug Siglin, the Chesapeake Bay Foundation's federal affairs director, welcomed the additional funding but expressed concern over cuts to "critical components" of state plans to achieve pollution limits. "We are halfway toward the goal of achieving the pollution limits necessary to restore the Chesapeake Bay by 2025," Siglin said. "Everyone will have to do more, and critical federal funding will be needed if we are going to be successful." Obama's budget would cut \$291 million nationally from the Clean Water State Revolving Fund and \$68 million nationally from the Drinking Water State Revolving Fund. The budget states the decreases are "in part because of the continuing constrained fiscal environment." Conservation programs are mandated by the farm bill, but Obama's proposal to cut the Natural Resources Conservation Service's operating budget by an estimated \$24 million would make it harder for USDA to manage and coordinate those programs, according to the Chesapeake Bay Foundation.

Counties' water quality plans get low grades SNOW HILL -- An environmental advocacy consortium rates Worcester County's plans to improve water quality as inadequate, while Wicomico County's plans were judged only slightly better. The U.S. Environmental Protection Agency has mandated a "pollution diet" for Maryland and five other states. All Maryland counties soon will be required to submit a draft Watershed Implementation Plan detailing how each would reduce its share of water pollution into the Chesapeake Bay. The Choose Clean Water Coalition rated all 24 county plans and categorized each as strong, good, emerging or as having "much work ahead." The coalition said county plans were evaluated by experts who looked for a "measurable path" toward pollution reduction that included two-year milestones and clearly identified sources of funding. The group said the Somerset and

Worcester plans do none of these, and called their submitted drafts "skeletal" and without any clear strategy for implementation. Wicomico's plan was rated under the broader category of being an "emerging" plan with "significant work ahead." The group said Wicomico's draft was a framework that needed more documentation of planned pollution reductions. Anne Arundel, Baltimore, Calvert, Caroline, Dorchester and Montgomery counties submitted plans that were rated as "a strong start" that could be put to work immediately. The Choose Clean Water Coalition is made u

Survey backs watermen on health of oysters CRISFIELD -- A new state survey released this week backs up what local watermen have been reporting -- that oysters are healthier and more plentiful, particularly in Tangier Sound. The 2011 Fall Oyster Survey conducted by the Department of Natural Resources shows the highest survival rate for oysters since 1985. "They're the fattest they've ever been," said Jody Tull, who works in Pocomoke and Tangier sounds. "And I see a lot of little ones." Danny Webster, a waterman from Deal Island, also agreed with the survey results. "They're in better shape than I've ever seen them as long as I've been working on the water," he said. Webster said 2010 was a "banner year" for spatset, which means there will be more mature oysters to harvest in the future. "I'm really enthused about next year," he said. The state has monitored the Chesapeake Bay oyster population since 1939 and looks at reproduction levels, disease levels and mortality rates. The most recent study shows more than double the survival rate in 2002, when record disease levels killed off 58 percent of the population. "The high survival of young oysters from 2010's record spatset is an immediate asset to Maryland's expanded sanctuary program," DNR Secretary John Griffin said. "As these oysters grow and reproduce, they are supporting expanded populations in sanctuaries, public fishery areas and aquaculture operations."

### **ASSOCIATED PRESS (Md.)**

Maryland Gov. Martin O'Malley Testifies For Bay-Related Bills ANNAPOLIS, Md. - Gov. Martin O'Malley says increasing fees on water use and limiting where developers can put new septic systems are essential to preserving the health of the Chesapeake Bay. The Democratic governor spoke to the Senate Education, Health and Environmental Affairs Committee Tuesday afternoon, advocating for change to the state's so-called "flush tax" that would charge residents and business based on how much water they use. The tax, created by former Gov. Robert Ehrlich, supports upgrading the state's wastewater treatment plants. Another piece of legislation proposed by the governor targets individual septic systems and would create a tiered system to limit where new septic systems could be placed, requiring a large amount of new developments to be hooked up to public water and sewer

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## **VIRGINIA**

### **ROANOKE TIMES**

Editorial: A shared responsibility The governor and state delegates have an obligation to support localities as they upgrade sewage plants to clean up the Chesapeake Bay. It was bad enough that the House Appropriations Committee carried over till next year a bill to authorize up to \$300 million in bonds to help Virginia localities upgrade wastewater treatment plants to help clean up the Chesapeake Bay. Worse was the effluent that flowed last week about the state's obligation. The state agreed seven years ago to share the cost of modernizing plants; \$100 million of the bonds at issue is past due to localities for projects planned with the assurance of state help. The balance would take care of requests the state anticipates from localities in the next couple of years. The funding appears to be safe in the Senate, which even added \$78 million for sewage systems in Richmond and Lynchburg, where overflow into the James River rolls down to the bay. In the House, though, budget writers decided on a voice vote to carry over the bond authorization to next year, a move supported by Gov. Bob McDonnell, who did not put the \$300 million in his two-year budget at all.

### **STAUNTON NEWS LEADER**

EPA announces \$400K in Chesapeake Bay cleanup funds The Environmental Protection Agency announced \$400,000 for its Green Streets-Green Jobs-Green Towns initiative in 2012, double the funding from 2011. The money is available to local governments and non-profit organizations in the Chesapeake Bay Watershed for green infrastructure or green jobs that promote better watershed management in a cost effective way. Successful applicants can receive up to \$35,000 for planning and design and \$100,000 for implementation and construction of their proposal. Applications are due March 9. The grants will be administered by the Chesapeake Bay Trust, and more information is available on its [website](#).

### **LYNCHBURG NEWS AND ADVANCE**

Altavista town council approves money for PCB remediation ALTAVISTA -- After a prolonged debate Tuesday night Town Council approved spending \$8,500 to further study phytoremediation as a method to remove PCBs from the emergency overflow pond at the town's wastewater treatment plant. The PCBs, or polychlorinated biphenyls — stuck to the sludge on the clay lining of the pond — were identified in the summer of 2000, two years after the Department of Health issued a fish advisory for the Staunton River. The town has until the end of 2013 to have all PCBs removed from the pond, if it stays enrolled in the current remediation program. As a result representatives from Ecolotree will be allowed to plant trees in the pond to determine the possible impact of phytoremediation. Council approved six budget amendments totaling \$81,300 on Tuesday. Within the amendment was a \$7,700 bill for a staff and Town Council retreat. The funds paid for four full days of training — two for town staff and two for council members in October and December respectively.

### **ASSOCIATED PRESS (Va.)**

Coal-burning plant in Alexandria fined \$208K for air-quality violations in 2011 ALEXANDRIA, Va. — An Alexandria coal-burning power plant scheduled in October has been fined about \$280,700 for violating air-quality laws. GenOn Energy's Potomac River Generating Station exceeded its nitrogen oxides limit six times between June 28 and July 18 last year. That's according to a consent decree issued last week by the Virginia Air Pollution Control Board and agreed to by Houston-based GenOn.

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## MISCELLANEOUS

### **BLOOMBERG BUSINESS NEWS**

Makers of genetically modified seeds say more farmers evading EPA rules Monsanto Co. and other seedmakers reported a threefold increase last year in U.S. farmers caught violating rules intended to stop insects from developing resistance to genetically modified corn. The rules affect farmers planting seeds modified to produce a toxin derived from *Bacillus thuringiensis*, or Bt, a natural insecticide. The Environmental Protection Agency requires those growers to also plant an adjacent area — a so-called refuge — of non-Bt corn so that bugs feed on both types of corn and don't become immune to the toxin. About 41 percent of 3,053 farmers inspected in 2011 failed to fully comply with the refuge requirement, according to data that Monsanto provided last week in an e-mail. Seed companies are concerned that bugs' resistance to modified crops may be increasing. In July, Iowa State University found that some rootworms have evolved resistance to the Bt gene engineered into Monsanto corn. Entomologists in Illinois and other Midwestern states are studying possible resistance in fields where the insects devour roots of Monsanto's Bt corn.

### **LOUISVILLE COURIER JOURNAL**

I Love Mountains' rally draws 1000 'We continue to learn over and over that what we do to the land, we do to the people.' Steve Boyce, chairman of Kentuckians For The Commonwealth, which organized the rally. FRANKFORT,

KY. — Speakers at the annual “I Love Mountains Day” rally at the state Capitol on Tuesday linked strip mining in Eastern Kentucky to tar sands oil extraction in Canada and the proposed Keystone XL pipeline that would carry the Canadian oil through the U.S. heartland to Texas. It’s all about an unhealthy dependence on fossil fuels, the speakers told about 1,000 people on the Capitol steps on a cold, wet afternoon. “Why are we here today?” asked Steve Boyce, chairman of Kentuckians For The Commonwealth, which organized the rally. “We are here as part of a growing new (clean) power movement that stretches from the Appalachian Mountains to the tar sands of Alberta and beyond.” The retired Berea College professor added, “We continue to learn over and over that what we do to the land, we do to the people.” This was the seventh year that Kentuckians For The Commonwealth organized an “I Love Mountains Day” event. It has grown from a small group lobbying lawmakers to a rally that annually attracts hundreds from across the state.

## ***NEW YORK TIMES***

Answering for taking a driller's cash The recent disclosure of the Sierra Club’s secret acceptance of \$26 million in donations from people associated with a natural gas company has revived an uncomfortable debate among environmental groups about corporate donations and transparency. The gifts from the company, Chesapeake Energy, have drawn criticism from some environmentalists. “Sleeping with the enemy” was a comment much forwarded on Twitter posts about the undisclosed arrangement. “Runners shouldn’t smoke, priests shouldn’t touch the kids, and environmentalists should never take money from polluters,” John Passacantando, a former director of Greenpeace who is now an environmental consultant, said in an interview. Yet the donations to the Sierra Club, reported by Time magazine’s Ecocentric blog and a blog called Corporate Crime Reporter, have plenty of precedents. Between 2004 and 2006, the National Audubon Society accepted \$2.1 million from the chemical giant Monsanto to find a strategy for ensuring the safety of waterfowl near industrial farms using pesticides, for example. The Environmental Defense Fund was an early adopter of the partnership model, working two decades ago with McDonald’s to stop using polystyrene clamshells for packaging, thus eliminating tens of thousands of tons of waste. Later it teamed with Fedex to reduce the emissions of its truck fleet. But it accepts no donations from corporate partners, its leadership says. The Sierra Club used the Chesapeake Energy money, donated mainly by the company’s chief executive from 2007 to 2010, for its Beyond Coal campaign to block new coal-fired power plants and shutter old ones. Carl Pope, then the club’s executive director, promoted natural gas as a cleaner “bridge fuel” to a low-carbon future.

Whistle-Blowers Help U.S. Fight Ocean Dumping BALTIMORE — Nothing seemed amiss aboard the Maltese cargo ship Aquarosa when Chief Warrant Officer William D. Dodson and his Coast Guard inspection team climbed the gangway. It was a crisp Sunday morning, the day after the new vessel had berthed to load scrap metal in its first visit to the United States. That sense of normalcy evaporated after the chief engineer led the way below for tests of the rudder and fire pump. There, a crew member named Salvador Lopez nervously tugged a note from his pocket and thrust it toward Mr. Dodson. He had something to share, the note read. A secret. Mr. Lopez’s secret was that the ship had been illegally dumping oily water and sludge overboard, and he had proof: hundreds of photographs stored on his phone. Partly because of Mr. Lopez’s evidence, two companies that owned and operated the ship pleaded guilty last month to obstruction of justice and other charges and agreed to pay \$1.2 million each in penalties and fines. And for his sleuthing, Mr. Lopez stands to collect as much as \$925,000. Seafaring whistle-blowers, frequently seeking a financial bounty, have become one of prosecutors’ most potent weapons against maritime polluters, providing the backbone for a growing number of cases the federal government has pursued in Baltimore and other port cities across the country.

## ***REUTERS NEWS SERVICE***

US EPA probing natgas operations in Pennsylvania WASHINGTON, Feb 14 (Reuters) - U.S. environmental regulators are investigating possible violations of federal pollution laws at natural gas operations in a Pennsylvania county that is in the midst of a shale gas drilling boom. The Environmental Protection Agency conducted inspections at well pads and compressor stations in Washington County, Pennsylvania, in late September and early October, agency spokeswoman Bonnie Smith said. The agency is now analyzing the results of those inspections and expects to wrap up its probe in a couple of months, Smith said. Investigations, such as the one being conducted in Washington County, are aimed at ensuring that companies are in compliance with various federal regulations for air,



water and hazardous waste. "While natural gas operators employ various safeguards to minimize the risks inherent to the industry, legitimate concerns have emerged regarding potential environmental impacts," the EPA said. The EPA said it would not identify the names of the facilities that were inspected until the investigation is complete. EPA enforcement probes that cover multiple environmental laws can target a single facility, an entire company or be geographically based. Washington County, a hub of Marcellus shale drilling, was chosen for inspections because it is home to a significant amount of oil and gas production, the EPA said. The county is also being analyzed as part of a separate study being conducted by the EPA on the impact of hydraulic fracturing, or fracking, on drinking water. The initial results of that report, which was commissioned by Congress, are to be released later this year. Shale gas production has skyrocketed in recent years thanks to advances in fracking, which involves injecting a cocktail of water, sand and chemicals into the ground to extract fuel. The rapid expansion of shale gas development has also prompted complaints from green groups and some landowners that the drilling is harming the air and water.

## ***POLITICAL NEWS***

SEN TOOMEY CALLS ON EPA TO RECONSIDER LEBANON FINES (Press release)

## ***GRIST MAGAZINE***

Crazy talk: Rick Santorum out-denies the climate deniers and spins ...

Rick Santorum is way crazy when it comes to environmental issues. How crazy? He makes Newt Gingrich's moon-colony plans sound plausible and Mitt Romney's climate flip-floppery look presidential. While Mitt and Newt have both felt compelled to repudiate their former concern for climate change, Santorum can boast that he's a denier of long standing. "There is no such thing as global warming," he told Glenn Beck on *Fox News* in June 2011. "It's just an excuse for more government control of your life and I've never been for any scheme or even accepted the junk science behind the whole narrative," he told Rush Limbaugh that some month. He went further at an event in Colorado on Feb. 6: Climate change is] an absolute travesty of scientific research that was motivated by those who, in my opinion, saw this as an opportunity to create a panic and a crisis for government to be able to step in and even more greatly control your life. ... I for one never bought the hoax. I for one understand just from science that there are one hundred factors that influence the climate. To suggest that one minor factor of which man's contribution is a minor factor in the minor factor is the determining ingredient in the sauce that affects the entire global warming and cooling is just absurd on its face. And yet we have politicians running to the ramparts — unfortunately politicians who happen to be running for the Republican nomination for president — who bought into man-made global warming and bought into cap-and-trade.

## ***HEALTH DAY***

Smog May Harm Women's Brains: Study A lifetime's exposure to air pollution may contribute to mental decline in older women, a new study says. Researchers used data from U.S. Environmental Protection Agency air monitors combined with address information on more than 19,000 women aged 70 to 81 taking part in the U.S. Nurses' Health Study to calculate their exposure to air pollution over the course of seven to 14 years. In addition to information from the air monitors, which measure six major pollutants, researchers took into account factors that could influence exposure, such as wind patterns, altitude and proximity of each woman's residence to major roadways.